

## HOUSE BILL NO. 342

INTRODUCED BY D. ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE LIMITATION ON HEALTH CARE PROVIDERS' LIABILITY IN EMERGENCY SITUATIONS ARISING FROM BIRTHS OUTSIDE A HOSPITAL; AND AMENDING SECTION 27-1-734, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 27-1-734, MCA, is amended to read:

**"27-1-734. Limits on liability of health care provider in emergency situations -- definitions.** (1) A physician licensed under Title 37, chapter 3, a nurse licensed under Title 37, chapter 8, or a hospital licensed under Title 50, chapter 5, rendering care or assistance in good faith ~~to a patient of a direct-entry midwife~~ in an emergency situation to a patient who has intentionally attempted a delivery outside of a hospital setting, whether or not assisted by a birth attendant, is liable for civil damages for acts or omissions committed in providing ~~such~~ the emergency obstetrical care or assistance only to the extent that those damages are caused by gross negligence or by willful or wanton acts or omissions.

(2) For purposes of this section, "birth attendant" means a direct-entry midwife, a nurse-midwife, a physician, a relative, or any other person."

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